

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 217

Citations Affected: IC 8-15-2-17.2; IC 9-21-5-2; IC 9-21-5-3; IC 9-26-3-5.

Synopsis: Speed limits. Conference committee report for ESB 217. Establishes a maximum speed limit on the Indiana toll road of 70 mph or 65 mph for certain vehicles. Increases the speed limit on a section of U.S. 20 located in Elkhart and St. Joseph counties, a section of U.S. 31 in St. Joseph County, and a highway classified by the Indiana department of transportation as an INDOT Freeway. Establishes a maximum speed limit of 60 mph on certain highways located outside an urbanized area. Increases the speed limit from 65 miles per hour to 70 miles per hour and from 60 miles per hour to 65 miles per hour for certain vehicles on interstate highways outside urbanized areas with a population of at least 50,000. Requires the state police department to report the number of fatalities from traffic accidents to the legislative council and the chairpersons of the committees dealing with transportation issues in the house of representatives and the senate: (1) annually, for traffic accidents involving persons less than 19 years of age; and (2) in any year in which the number of fatalities increases by seven percent over the average number of accidents from the previous five years. Makes conforming amendments. **(This conference committee report removes provisions relating to aggressive driving and requires the state police to annually report the number of traffic accidents involving persons less than 19 years of age.)**

Effective: July 1, 2005.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 217 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 8-15-2-17.2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.2. (a)
- 4 Notwithstanding IC 9, the authority may adopt rules:
- 5 (1) Establishing weight and size limitations for vehicles using a toll
- 6 road project, subject to the following:
- 7 (A) The operator of any vehicle exceeding any of the maximum
- 8 allowable dimensions or weights as set out by the authority in
- 9 rules and regulations shall apply to the authority in writing, for
- 10 an application for a special hauling permit, which application
- 11 must be in compliance with all the terms thereof, and which
- 12 application must be received at least seven (7) days prior to the
- 13 time of permitted entry should such permit be granted. Such
- 14 permit, if granted, will be returned to the applicant in duplicate,
- 15 properly completed and numbered, and the driver of the vehicle
- 16 shall have a copy to present to the toll attendant on duty at the
- 17 point of entry.
- 18 (B) The authority shall assess a fee for issuing a special hauling
- 19 permit. In assessing the fee, the authority shall take into
- 20 consideration the following factors:
- 21 (i) The administrative cost of issuing the permit.
- 22 (ii) The potential damage the vehicle represents to the project.
- 23 (iii) The potential safety hazard the vehicle represents.

(2) Establishing the ~~speed at which a vehicle may be driven on a toll road project, including a minimum speed and that a maximum speed not in excess of the maximum provided in IC 9 for motor~~ **vehicle may be driven on** the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a toll road project.

(4) Determining the manner of operation of **motor** vehicles entering and leaving traffic lanes on a toll road project.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing **motor** vehicles on a toll road project.

(6) Determining the establishment and enforcement of traffic control signs and signals for **motor** vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

(A) the offering or display of goods or services for sale;

(B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and

(C) the operation of a mobile or stationary public address system.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

(1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and

(2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated a size or weight limitation established by the authority under this section for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of ~~his~~ **the person's** current chauffeur's license only if the violation was committed knowingly.

SECTION 2. IC 9-21-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of

the following maximum limits:

- (1) Thirty (30) miles per hour in an urban district.
- (2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), ~~and (4), (5), (6), and (7).~~
- (3) ~~Sixty-five (65)~~ **Seventy (70)** miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).
- (4) ~~Sixty (60)~~ **Sixty-five (65)** miles per hour for a vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).
- (5) Sixty-five (65) miles per hour on:**
 - (A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;**
 - (B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and**
 - (C) a highway classified by the Indiana department of transportation as an INDOT Freeway.**
- (6) On a highway that is the responsibility of the Indiana transportation finance authority established by IC 8-9.5-8-2:**
 - (A) seventy (70) miles per hour for:**
 - (i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or**
 - (ii) a bus; or**
 - (B) sixty-five (65) miles per hour for a motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds.**
- (7) Sixty (60) miles per hour on a highway that:**
 - (A) is not designated as a part of the national system of interstate and defense highways;**
 - (B) has four (4) or more lanes;**
 - (C) is divided into two (2) or more roadways by:**
 - (i) an intervening space that is unimproved and not intended for vehicular travel;**
 - (ii) a physical barrier; or**
 - (iii) a dividing section constructed to impede vehicular traffic; and**
 - (D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).**
- ~~(5)~~ **(8) Fifteen (15) miles per hour in an alley.**

SECTION 3. IC 9-21-5-3 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2005]: Sec. 3. The maximum speed limits set forth in section 2 of this chapter may be altered as follows:

- (1) By local jurisdictions under section 6 of this chapter.

(2) By the Indiana department of transportation under section 12 of this chapter.

~~(3) By the transportation finance authority under IC 8-15-2-17-2.~~

~~(4)~~ (3) For the purposes of speed limits on a highway on the national system of interstate and defense highways, by order of the commissioner of the Indiana department of transportation to conform to any federal regulation concerning state speed limit laws.

~~(5)~~ (4) In worksites, by all jurisdictions under section 11 of this chapter.

SECTION 4. IC 9-26-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The state police department shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based on the reports as to the number and circumstances of traffic accidents, **including:**

(1) the total number of accidents;

(2) the total number of fatalities resulting from traffic accidents;

(3) the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and

(4) if possible, whether the accident or fatality occurred on a highway that:

(A) is part of the national system of interstate and defense highways;

(B) has four (4) or more lanes; or

(C) is divided into two (2) or more roadways.

(b) Beginning April 30, 2006, and on April 30 of each year thereafter, if the number of fatalities reported in subsection (a) exceeds the average annual number of fatalities in traffic accidents from the previous five (5) years by at least seven percent (7%), the state police department shall submit the report to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(c) Beginning April 30, 2006, and on April 30 of each year thereafter, the state police department shall submit a report describing:

(1) the total number of accidents and fatalities involving a person less than nineteen (19) years of age; and

(2) if possible, whether the accident or fatality described in subdivision (1) occurred on a highway that:

(A) is part of the national system of interstate and defense highways;

(B) has four (4) or more lanes; or

(C) is divided into two (2) or more roadways;

to the legislative council and to the chairpersons of the committees of the house of representatives and the senate that consider transportation issues. The reports required under this subsection must be in an electronic format under IC 5-14-6.

(Reference is to ESB 217 as reprinted April 5, 2005.)

Conference Committee Report
on
Engrossed Senate Bill 217

Signed by:

Senator Server
Chairperson

Representative Wolkins

Senator Lutz L

Representative Austin

Senate Conferees

House Conferees